



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, et al. ex rel. URI
BASSAN,

15-CV-04179 (CM) (VF)

Plaintiffs,

ORDER

-against-

OMNINCARE, INC.,

Defendant.

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

OMNINCARE, INC. and CVS HEALTH
CORP.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge.

As stated at the discovery conference before the Court on May 25, 2023, the Court is in the midst of conducting the privilege review and has reviewed up to Tab 74 (out of 125). Some documents are currently being investigated by Defendants based on the Court's questions. Defendants are directed to provide an update to the Court as to the documents they are investigating by no later than **Friday, June 2, 2023**.

Moreover, the Court has determined that the following documents are not privileged and should be produced to the Government: Tabs 9-10, 11 (the first email should be redacted, and the rest of the chain should be produced), 18, 27, 39-43, 47, and 53-58. The Court will issue an order with respect to the remaining tabs as soon as the review is complete.

In addition, for the reasons stated at the conference, Defendants are directed to produce to the Government all inadvertently withheld documents by no later than **Wednesday, May 31, 2023**, but should endeavor to produce these documents sooner if possible. Defendants are also directed to produce to the Government the index prepared for the Court in connection with the privilege review.

Finally, with respect to the Government's May 15, 2023 letter motion to compel (ECF No. 266), the Government's request to reopen the 30(b)(6) deposition of Omnicare's Fort Worth representative is **granted**. The deposition must be taken virtually and within a 45 minute time frame. The Clerk of Court is directed to terminate the motion at ECF No. 266.

SO ORDERED.

DATED: New York, New York
May 25, 2023



VALERIE FIGUEREDO
United States Magistrate Judge